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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/838,330

Applicant(s)

MARKS ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are pending in this office action.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 20, 2001 have been objected. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-10, 13-14, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2001/0053944 by Marks et al, hereinafter Marks.
5. The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Marks discloses a method for creation of a personalized playlist of programming, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein: a user selects a base channel or top channel that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable and identical for a plurality of users (see Abstract); alternate sources of content offer items that are continuously available for use as substitutions for items of the playlist of the base channel as the base channel plays, at least one substitute item being used in the personalized playlist (page 1, column 2, section 0012, lines 7-10); the user reacts to items of the playlist of the base channel, whereby a side channel distinct from the base channel is created that reflects a user preference, the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and the alternate sources (page 1, column 2, section 0012, lines 7-10; page 1, column 2, section 0012, lines 18-20); a customizer or network operator operates with the user device to determine in near real time which substitute items are included in the personalized playlist (page 2, column 1, section 0015, lines 3-5; page 7, column 2, section 0075, lines 4-7), the customizer using at least two criteria to define a sequence of items to play in the personalized playlist, a first criteria comprising the user preference (page 7, column 2, section 0075, lines 4-7), and a second criteria comprising the time availability of items provided by the alternate sources near the moment the customizer determines that a substitute item should be included in the sequence of items played (page 5, column 2, section 0055, lines 1-2); a first suitable item from a first alternate source being inherently buffered in a memory facility linked to the user

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device before the first suitable item is needed for use in the side channel, the first suitable item being unidentified to the user unless it is played on the user device (page 2, column 2, section 0031, line 5 – page 3, column 1, section 0031, line 2 and lines 10-12; page 7, column 2, section 0078, lines 1-2); the base channel and the alternate source of content are streaming broadcast sources that are available to a plurality of users of a data system (page 2, column 1, section 0017, lines 1-7); an undesired item is streamed by a provider of programming on either of the base channel or the side channel, the undesired item is identified by the customizer as not meeting the first criteria (page 7, column 1, section 0075, line 1 – page 7, column 2, section 0075, line 7), and the first suitable item inherently plays on the side channel from a beginning of the first suitable item as a substitute for the undesired item (as shown in Figure 18, 'My side-xxSTA-1'); the user device is configured whereby the listener may immediately select either one of the base channel (page 4, column 2, section 0046, lines 1-4) and the side channel via the dial (Figure 4, 4C).

Regarding claim 2, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses a second suitable item is streamed from a second alternate source (page 1, column 2, section 0012, lines 7-11) inherently at a beginning later than a beginning of the first suitable item streamed by the first alternate source, and the second suitable item inherently begins at the second alternate source before it is needed for play on the side channel, the second suitable item inherently being a better fit to the first criteria than the first suitable item, the first suitable item being inherently removed from the memory facility in favor of the second suitable item, when the user is inherently listening to the side channel and inherently deletes the first suitable item from the side channel (page 5, column 1, section 0050, lines 8-9; page 5, column 1, section 0051, lines 9-25).

Regarding claim 5, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses an alternate source comprises a hidden channel or Channel 2 (Figure 2, 2C), the hidden channel is not available for use as a base channel (Figure 2, 2A), and the hidden channel may inherently serve a primary function to provide items of content as components for use in assembling personalized playlists (page 1, column 2, section 0012, lines 6-7).

Regarding claim 6, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses the programming is audio programming, the undesired items of content are inherently audio commercial announcements, when the xxMUSIC band and the DJ icon shows “DJ on” are both selected (page 3, column 2, section 0039, lines 5-9), and substitute items are inherently used to replace the audio commercials.

Regarding claim 7, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses a provider of the base channel or KLOS is identified on a display screen of the user device (as shown in Figure 3A).

Regarding claim 8, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses the user preference comprises a set of instructions that is inherently stored on a device of the user, wherein the user’s preference is in reaction to pre-assembled playlists displayed on the device (page 1, column 2, section 0012, line 18 – page 2, column 1, section 0013, line 3), the instructions being used to inherently guide the customizer in an initial selection of items for the user (page 7, column 2, section 0075, lines 4-7).

Regarding claim 9, Marks discloses a method for creation of a personalized playlist of programming, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein: a user selects a base channel or top channel from

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a streaming broadcast source that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable and identical for a plurality of users (see Abstract); alternate sources of content offer items that are continuously available for use as substitutions for items of the playlist of the base channel as the base channel plays, at least one substitute item being used in the personalized playlist (page 1, column 2, section 0012, lines 7-10); the user reacts to items of the playlist of the base channel, whereby a side channel distinct from the base channel is created that reflects a user preference, the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and the alternate sources (page 1, column 2, section 0012, lines 7-10; page 1, column 2, section 0012, lines 18-20); a customizer or network operator operates with the user device to determine in near real time which substitute items are included in the personalized playlist (page 2, column 1, section 0015, lines 3-5; page 7, column 2, section 0075, lines 4-7), the customizer using at least two criteria to define a sequence of items to play in the personalized playlist, a first criteria comprising the user preference (page 7, column 2, section 0075, lines 4-7); a second criteria comprising a time availability of items streamed by the alternate sources near the moment the customizer determines that a substitute item should be included in the sequence of items played (page 5, column 2, section 0055, lines 1-2); a suitable item from an alternate source being inherently buffered in a memory facility linked to the user device before the suitable item is needed for use in the side channel, the suitable item being inherently unidentified to the user unless it is played on the user device (Figure 1 shows only one playlist shown at a time; Figure 17, 'My sideKXXXX'); the user reacts negatively to an

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undesired item of content (page 4, column 2, section 0048, lines 4-7), and the suitable item plays on the side channel from a beginning of the suitable item immediately after an occurrence of the user's negative reaction (as shown in Figure 17); the user device configured whereby the listener may immediately select either one of the base channel and the side channel (as shown in Figure 18).

Regarding claim 10, the playlist creation method of claim 9 mentioned above, wherein Marks further discloses an alternate source comprises a hidden channel or Channel 2 (Figure 2, 2C), the hidden channel is not available for use as a base channel (Figure 2, 2A), and the hidden channel may inherently serve a primary function to provide items of content as components for use in assembling personalized playlists (page 1, column 2, section 0012, lines 6-7).

Regarding claim 13, the playlist creation method of claim 9 mentioned above, wherein Marks further discloses the user preference comprises a set of instructions that is inherently stored on a device of the user, wherein the user's preference is in reaction to pre-assembled playlists displayed on the device (page 1, column 2, section 0012, line 18 – page 2, column 1, section 0013, line 3), the instructions being used to inherently guide the customizer in an initial selection of items for the user (page 7, column 2, section 0075, lines 4-7).

Regarding claim 14, Marks discloses a method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content wherein: a user selects a streaming broadcast top channel that includes a playlist of content that may be played on a user device, the top channel being provided by a station that is operated independently of the user, the playlist of the top channel being immediately unchangeable and identical for a plurality of users (see Abstract); an alternate streaming broadcast source of content

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is available from which substitute items may be obtained to modify the playlist of the top channel, the substitute items being used in the personalized playlist; the personalized playlist comprises a combination of items from the top channel with the substitute items (page 1, column 2, section 0012, lines 7-10; Figure 18, "send/fwd" selections above but not "deletes"); a customizer or network operator operating with the user device to determine in near real time which substitute items are included in the personalized playlist (page 2, column 1, section 0015, lines 3-5; page 7, column 2, section 0075, lines 4-7); a beginning point of an item of the alternate source is inherently stored in a computer memory facility immediately accessible by the user device, and further component segments of the item of the alternate source are inherently buffered in a computer memory facility, an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist (page 2, column 2, section 0031, line 5 – page 3, column 1, section 0031, line 2 and lines 10-12; page 7, column 2, section 0078, lines 1-2); the stored item being played as part of the personalized playlist on the user device from the beginning point of the stored item (page 5, column 2, section 0054, lines 8-9); alternate source comprises a hidden channel or Channel 2 (Figure 2, 2C), the hidden channel is not available for use as a base channel (Figure 2, 2A), and the hidden channel may inherently serve a primary function to provide items of content as components for use in assembling personalized playlists (page 1, column 2, section 0012, lines 6-7).

Regarding claim 20, Marks discloses a method for navigating the programming of an audio program provider affiliated with a network of other providers in which the provider presents to a user a standardized method for searching, selecting and playing programming, the standardized method being specified by a network operator wherein (page 3, column 1, section

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0034, lines 1-6; page 3, column 1, section 0036, lines 1-3): the provider offers a top channel accessible simultaneously by a plurality of users, wherein each user receives substantially a same playlist (see Abstract); a user reacts to program items that are played on the top channel, a cumulative history of a user's reactions comprising a user preference, determined by which selections the user has previously skipped or deleted (page 1, column 2, section 0012, lines 18-20; page 4, column 2, section 0048, lines 4-7; page 5, column 1, section 0050, lines 8-9); the provider offers an ability to create a first side channel wherein an alternate personal playlist is already prepared when the user reacts in a first manner to a program item of the top channel (page 5, column 1, section 0051, lines 1-3); the first side channel includes programming that reflects a combination of a style of the provider of the selected top channel, and the user preference, wherein the user creates a personal playlist of programming in near real time during the course of listening and reacting to a channel of the program provider (page 5, column 1, section 0051, lines 7-25); the standardized method includes a multipurpose addressing system using telephone numbers, a telephone number serving at least two functions: a first function being to inherently access a remote voice telephone device, and a second function being to access the programming of the program provider, the program provider thereby being identified by a multipurpose telephone number (page 9, column 2, section 0091, lines 3-6); the user being able to use a device, if a cellular phone is included in it (page 3, column 1, section 0031, lines 4-8; dashed line in Figure 1 may indicate wireless telephone attached to said device), to select which of the two functions are served by the telephone number.

Regarding claim 21, the navigation method of claim 20 mentioned above, wherein Marks further discloses the device includes a numeric keypad if a cellular phone is included in said

device (page 3, column 1, section 0031, lines 4-8; dashed line in Figure 1 may indicate wireless telephone attached to said device), and the network operator inherently provides to the user a template, the template providing instructions relating keys of the keypad to navigating functions, the navigating functions including searching and selecting programming from the program providers affiliated with the network of providers (page 3, column 1, section 0034, lines 1-6).

Regarding claim 22, the navigation method of claim 21 mentioned above, wherein Marks further discloses the device includes a wireless telephone (e.g. a cellular phone) (page 3, column 1, section 0031, lines 4-8; dashed line in Figure 1 may indicate wireless telephone attached to said device).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, 11-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2001/0053944 by Marks et al, hereinafter Marks in view of U.S. Patent No. 6,611,813 by Bratton.

Regarding claims 3 and 4, the playlist creation method of claim 1 mentioned above, wherein Marks further discloses the substitute items have a distinct value, a value of creative content (as shown in Figure 18, 'My side-xxSTA-1'); and a provider of the alternate source receives an opportunity value payment from the station when the item is used in the personalized playlist (page 2, column 2, section 0022, lines 1-6).

Marks fails to disclose the substitute items have another distinct type of value, an opportunity value of time availability for use as a substitute item in the side channel.

Bratton discloses a system and method for monitoring and modifying a playlist of viewable audio and/or video selections at one or more selected times to account for the effects of restrictions on the times, and number of times, a selection is viewed in an Internet-based viewing system (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Method to include the a criteria comprising a time availability of items streamed by the alternate sources as taught by Bratton to set a time limit for an audio selection to be played. One of ordinary skill in the art would have been lead to make such a modification since a station can receive a payment on a selection that is in a playlist, especially if the selection is popular.

Regarding claims 11 and 12, the playlist creation method of claim 9 mentioned above, wherein Marks further discloses the substitute items have a distinct value, a value of creative content (as shown in Figure 18, 'My side-xxSTA-1'); and a provider of the alternate source receives an opportunity value payment from the station when the item is used in the personalized playlist (page 2, column 2, section 0022, lines 1-6).

Marks fails to disclose the substitute items have another distinct type of value, an opportunity value of time availability for use as a substitute item in the side channel and a creator of an item of content receives a royalty payment when the item is used in a playlist of the side channel.

Bratton discloses a system and method for monitoring and modifying a playlist of viewable audio and/or video selections at one or more selected times to account for the effects of restrictions on the times, and number of times, a selection is viewed in an Internet-based viewing system (see Abstract). A royalty equivalent may be paid if the selection is viewed more than a threshold of times (column 1, lines 18-21) to a licensing company that accounts for viewing the audio work (column 2, lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Method to include the a criteria comprising a time availability of items streamed by the alternate sources and a creator of an item of content receives a royalty payment when the item is used in a playlist as taught by Bratton to set a time limit for an audio selection to be played and for a royalty payment to be required for an audio selection. One of ordinary skill in the art would have been lead to make such a modification since a station can receive a payment on a selection that is in a playlist, especially if the selection is popular. The royalty-bearing item will require royalties paid to a licensing company to account for having said item as a selection in a playlist.

Regarding claim 15, the playlist creation method of claim 14 mentioned above, wherein Marks further discloses the substitute items have a distinct value, a value of creative content (as shown in Figure 18, 'My side-xxSTA-1'); and a provider of the hidden channel inherently receives an opportunity value payment from the station when the item is used in the personalized playlist (page 2, column 2, section 0022, lines 1-6).

Marks fails to disclose the substitute items have another distinct type of value, an opportunity value of time availability for use as a substitute item in the personalized playlist.

Bratton discloses a system and method for monitoring and modifying a playlist of viewable audio and/or video selections at one or more selected times to account for the effects of restrictions on the times, and number of times, a selection is viewed in an Internet-based viewing system (see Abstract). A royalty equivalent may be paid if the selection is viewed more than a threshold of times (column 1, lines 18-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Method to include an opportunity value of time availability for use as an item in the personalized playlist as taught by Bratton to set a time limit for an audio selection to be played. One of ordinary skill in the art would have been lead to make such a modification since a station can receive a payment on a selection that is in a playlist, especially if the selection is popular.

Regarding claim 16, Marks discloses a method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content wherein: a user selects a streaming broadcast top channel that includes a playlist of content that may be played on a user device, the top channel being provided by a station that is operated independently of the user, the top channel being available to a plurality of users of a data system (see Abstract); an alternate streaming broadcast source of content is available from which substitute items may be obtained to modify the playlist of the top channel, the substitute items being used in the personalized playlist (page 1, column 2, section 0012, lines 10-14 and lines 18-20, Figure 17: 'may Incl "send/fwd" entries'); the personalized playlist may comprise a combination of items from the top channel with the substitute items (page 5, column 2, section 0055, lines 1-8), a customizer or network operator operating with the user device to determine in

near real time which substitute items are included in the personalized playlist (page 2, column 1, section 0015, lines 3-5; page 7, column 2, section 0075, lines 4-7); a beginning point of an item of the alternate source is inherently stored in a computer memory facility immediately accessible by the user device, and further component segments of the item of the alternate source are inherently buffered in a computer memory facility, an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist (page 2, column 2, section 0031, line 5 – page 3, column 1, section 0031, line 2 and lines 10-12; page 7, column 2, section 0078, lines 1-2); the stored item being played as part of the personalized playlist on the user device, inherently from the beginning point of the stored item (page 5, column 2, section 0054, lines 8-9); the substitute items have a distinct type of value, a value of creative content (as shown in Figure 18, 'My side-xxSTA-1') and a provider of the alternate source receives an opportunity value payment from the station when the item is used in the personalized playlist (page 2, column 2, section 0022, lines 1-6).

Marks fails to disclose the substitute items have another distinct type of value, an opportunity value of time availability for use as a substitute item in the personalized playlist.

Bratton discloses a system and method for monitoring and modifying a playlist of viewable audio and/or video selections at one or more selected times to account for the effects of restrictions on the times, and number of times, a selection is viewed in an Internet-based viewing system (see Abstract). A royalty equivalent may be paid if the selection is viewed more than a threshold of times (column 1, lines 18-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Method to include an opportunity value of time availability

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for use as an item in the personalized playlist as taught by Bratton to set a time limit for an audio selection to be played. One of ordinary skill in the art would have been lead to make such a modification since a station can receive a payment on a selection that is in a playlist, especially if the selection is popular.

Regarding claim 17, the playlist creation method of claim 16 mentioned above, wherein Marks further discloses the station operates as an affiliate of a cooperative network with other stations, and the affiliate stations share resources in the course of assembling playlists for listeners of affiliate stations (page 3, column 1, section 0034, lines 1-15).

Regarding claim 18, the playlist creation method of claim 16 mentioned above, wherein Marks further discloses the customizer is guided by a combination of a user's own preferences (page 1, column 2, section 0012, lines 18-20) and a style of the station when the customizer performs substitutions of items of content into the personalized playlist (page 6, column 2, section 0069, lines 1-6; page 7, column 1, section 0074, lines 5-8).

Regarding claim 19, the playlist creation method of claim 16 mentioned above, wherein Marks further discloses an identity of the station is displayed on the user device (page 6, column 2, section 0069, lines 1-8).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,192,340 by Abecassis teaches a method and apparatus comprising communicating a user's information preferences to an information provider; receive from the informational provider, informational items that are responsive to the user's

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information preferences; interleave and sequence a playing of the received items within a playing of the plurality of musical items

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
December 9, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

